Endnote 4: Ockham and Marsilius

Although the only verbatim quotations from Marsilius anywhere in Ockham's writings are contained in 3.1 Dial. 3 and 4, elsewhere there are many positions and arguments more or less reminiscent of the *Defensor pacis*. It is as if Marsilius's text was available to Ockham only briefly, while he was working on 3.1 Dial. 3 and 4, but at other times he had some information at least by hearsay. Thus at the beginning of 3.1 Dial. 3 the Student proposes to re-treat a topic already discussed in 1 Dial. "on account of the remarks of some people that were not available to us at the time". Some of the apparently Marsilian material may come from other writers besides Marsilius, some may have been in oral circulation, some may have been independently invented by Ockham himself. It is not an easy matter to trace the development of Ockham's knowledge of and response to Marsilius.[1] In this note I will survey the passages (referred to below in bold type) that may possibly refer to Marsilius and try to assess the likelihood that Ockham did have Marsilius in mind.

Offler has suggested tentatively that at two points in *Opus nonaginta dierum* Ockham may echo Marsilius.[2] (1) At **OND 77.408-9**[3] Ockham mentions the position of those who pertinaciously deny that the pope and clergy in some way have ownership of Church property. Marsilius made this denial, but so did many others, for example the Waldenses.[4] (2) At **OND 93.740-2** Ockham mentions that some say that the pope transfers the Roman Empire not as the successor of blessed Peter but by the authority of the Romans. Again, this is the opinion of Marsilius but also of others.[5]

More striking is the general resemblance between the position Ockham argues in OND and Marsilius's arguments on poverty in *Defensor pacis* II.xi-xiv. Whereas the Franciscans maintained that the state of perfect poverty belonged to their order alone, Marsilius seems to say that all the clergy, including bishops and all the secular clergy, ought to live in perfect poverty. Other-

---

1. See Georges de Lagarde, "Marsile de Padoue et Guillaume d'Ockham", *Revue des sciences religieuses* 17 (1937), pp. 168-185, 428-454. See also Léon Baudry, *Guillaume d' Occam, Sa vie, ses oeuvres, ses idées sociales et politiques*, Paris, 1949, pp. 163-9, 217-8. **2**. "It is just possible that he had already met the ideas of Marsilius of Padua" (OP vol. 2, p. xix). **3**. References in **bold** are to passages by Ockham that may relate to Marsilius. **4**. See John of Paris, Proem., p. 69 lines 16-19. **5**. John of Paris, c. 15, p. 150.28-151. 5.

wise, however, there is a strong similarity. Like Ockham, Marsilius defines the highest state of poverty as one in which one has none of the legally-enforceable rights of an owner but can legitimately make use of things necessary for life and work, and he argues that one can legitimately consume another person's property with the owner's consent. But religious poverty had been an intensely controversial matter since the 1250s, and Marsilius and Ockham were both drawing on earlier ideas; the similarity of their views on this subject does not show that Ockham was acquainted with the work of Marsilius.

In the first part of the *Dialogus* there are a number of parallels with Marsilius. In **1 Dial. 2.1-5, 16, 17** there is a discussion that anticipates 3.1 Dial. 3. The first opinion discussed (1 Dial. 2.1) is similar to the opinion of Marsilius. In support of this opinion the Master quotes several of the same texts of Augustine as Marsilius uses, drawing them from Gratian, *Decretum*, dist. 9 (whereas Marsilius apparently quotes from other sources[6]), but otherwise he does not use the arguments we find in *Defensor pacis*. He gives several arguments that Marsilius himself does not use (everything necessary is in the Bible, the Jews were not required to believe anything besides the Old Testament, Jerome says that everything except Scripture is "as readily despised as approved"), and quotes several Bible texts forbidding the addition of anything to the Bible (Prov. 30:5-6, Deut. 4:2 and Apoc. 22:18-19), which Marsilius does not quote. When in 1 Dial. 2.3 the Master reports arguments for the opposite opinion, there is no mention of the text of Augustine that Marsilius had seen as a possible objection (II.xix.8-10), and other arguments are given that were not discussed by Marsilius. These include what seems to be offered as a *reductio ad absurdum* of the first opinion, that if it were correct a Catholic could deny that Peter was Roman Pontiff, that Peter's see was transferred from Antioch to Rome, that the Roman Pontiffs succeed Peter and that the Roman Church has primacy, none of which Marsilius would have regarded as absurd — indeed they are conclusions Marsilius wished to maintain. In short, although it is possible Ockham had Marsilius in mind, the array of arguments and counter arguments is different. Similarly, when in **1 Dial. 5.27** Ockham discusses the opinion that a general council cannot err, which Marsilius held, the arguments do not include any of those given by Marsilius in *Defensor pacis* II.xix. The opinion was held not only by Marsilius but also by many canonists of the time and by Duns Scotus.[7]

---

6. See Scholz, p. 387, n. 1. **7**. See B. Tierney, *Origins of Papal Infallibility, 1150-1350: A Study on the Concepts of Infallibility, Sovereignty and Tradition in the Middle Ages* (Leyden, 1972), pp. 231, 143.

In **1 Dial. 5.14-21**, in the middle of a discussion of the question whether the Roman Church can become heretical, there is a lengthy digression on the question how the Roman Church acquired primacy. The Master reports that some say that (1) Peter did not have rule over the other apostles by Christ's decree and (2) was never bishop of Rome; (3) he acquired primacy over the other apostles by decree of the apostles. Indeed (4) no priest has any power over other priests by Christ's decree. (5) Before Constantine the church of Rome did not have rule over other churches but acquired it from Constantine. We recognize these propositions as a summary of Marsilius's opinion on the subject.[8] However, as de Lagarde remarks, "On retrouve presque tous les arguments du *Defensor pacis*, mais dans un ordre souvent très dispersé. Le *Defensor* n'est jamais cité textuellement, les références scripturaires sont souvent complétées ou enrichies. L'auteur ne copie pas; il expose une thèse qu'il a remarquablement assimilée."[9] Or perhaps he has heard of Marsilius's general position and himself supplied some arguments to support it — a competent scholastic could construct arguments for a position he knew someone wanted to maintain. Others besides Marsilius had disputed Peter's primacy (or at least debated its nature),[10] so there may have been a stock of such arguments in circulation. But whether or not Ockham at this time had a detailed knowledge of Marsilius's arguments, it is probable that in 1 Dial. 5.14-21 Ockham had Marsilius in mind, since in 1 Dial. 6.92 the Master gives crossreferences to 1 Dial. 5.15 and 1 Dial. 6.3-5, strongly suggesting that these three places relate to the same opinion, and an analysis of book 6 makes it very probable that it was the opinion of Marsilius.

Book 6 discusses the investigation of accusations that a pope is a heretic and the punishment of a heretic pope (and related matters). Three (and more) strands of opinion are represented. One might be called a "papalist" viewpoint, that there is no one on earth capable of deciding whether a canonically elected pope has become a heretic and no one with a right under any circumstances to coerce such a pope. Another is an opinion recognisably akin to the position of Marsilius (though he is not named or quoted), namely that when a pope is accused of heresy the secular ruler is the ordinary judge capable of deciding whether he is and of punishing him if he is, just as the secular ruler is the ordinary judge of crimes of all sorts and the source of all coercive power. The third strand includes Ockham's own position mixed in (at first) with several others. Clarifica-

---

8. de Lagarde, "Marsile", pp. 176-7, n. 2, sets out the parallels. Carlo Pincin's attempt to demonstrate textual dependence, *Marsilio* (Turin, 1967), pp. 183-4, seems unconvincing. **9**. "Marsile", pp. 176. Cf. de Lagarde, *La naissance de l'esprit laïque au déclin du moyen âge*, vol. 5 (2nd edn., Louvain, 1963), pp. 93-6. **10**. de Lagarde, *Naissance*, vol. 5, p. 90.

tion can be obtained, perhaps, from Brev. 2.20:[11] the first, second and third of the opinions listed there are represented in 1 Dial. 6.8-9, often alongside Ockham's own, with some distinctions made but not as clearly as in *Breviloquium*. The discussion of 1 Dial. 6.1-13 is aporetic, using a mixed collection of arguments to lead up to the Student's expression of impatience at the beginning of c. 14. From there to the end of Book 6 the Master presents Ockham's own answer to the various questions discussed, with some opposition from papalist and Marsilian viewpoints. That the theses and arguments that predominate in 1 Dial. 6.14-100 are Ockham's own can be verified from *Contra Benedictum*, Book 7.

1 Dial. 6.2-9 includes many arguments and authorities reminiscent of *Defensor pacis* II.iv and v,[12] though there is no verbal dependence and a great deal of Marsilius's argument is not reproduced. Most of the authorities Marsilius used were available in such collections as Thomas Aquinas's *Catena aurea* and Peter Lombard's *Collectanea* and in the glosses and perhaps elsewhere, and as they are used in the *Dialogus* they are not fitted into the same framework of argument as in *Defensor pacis*, they are not in the same order, and they are not accompanied by the comments that Marsilius makes.

1 Dial. 6.92 contains a discussion of the opinion that the coercion of a heretic pope is principally the business of secular rulers and laypeople. In support of this opinion the Master gives a backreference to the arguments of 1 Dial. 6.3-5 and 1 Dial. 5.15 and gives an argument that rests on the Marsilian premise that there should not be two coercive powers in the same community. There seems little doubt that Ockham had Marsilius in mind, but no need to suppose that he had read the relevant parts of *Defensor pacis*.

In book 7 we find Ockham's first[13] discussion of the doctrine of fullness of power, the doctrine that Marsilius wrote the *Defensor pacis* mainly to refute. Perhaps knowledge of Marsilius's book drew Ockham's attention to the importance of this topic, or at least reinforced his sense of its importance,[14] but "fullness of power" was already a prominent topic in the writings of exponents of papal power and the Franciscans were well acquainted with it (their order had

---

11. See Brev. 2.20, p. 154. Here five (non-"papalist") opinions are distinguished, those of Marsilius and Ockham being respectively the fourth and fifth. The first was held by some of the other Michaelists. See Offler, OP vol. 4, pp. 362-3. **12**. See de Lagarde, "Marsile", pp. 178-9. **13**. There is a passing reference to fullness of power at OND 77.141-2. It is odd that in 1 Dial., 7.67, Ockham refers fullness of power to the *Church*, whereas normally it was ascribed to the pope. **14**. "Ob diese Thematik aber aus der inneren Entwicklung der Ockhamschen Reflexion oder aus einer intensiveren Beschäftigung mit Marsilius' Thesen erwachsen ist, ist keine disjunctive Alternative: diese Antworten schliessen einander nicht aus; wir würden beides vermuten;" J. Miethke, *Ockhams Weg,* p. 107, n. 399.

often relied on it); it seems quite possible that Ockham would have become concerned with papal "fullness of power" even if Marsilius had never existed. In this first discussion, in **1 Dial. 7.67**, there is nothing that suggests that Ockham had read Marsilius or that he had Marsilius in mind. Whereas Marsilius denied papal fullness of power in every sense he could think of, the Master here says that some say that the Church's fullness of power extends to everything that does not contradict divine or natural law, while others say that it does not extend to lay properties or to acts of supererogation or onerous acts — he does not mention that anyone wishes to deny that the pope or Church has fullness of power in any sense at all. It is implied, though not stated explicitly, that the Church and the pope do have fullness of power in some sense.[15] The argument against the rejected version of the doctrine of fullness of power is that it conflicts with certain traditional views on the extent of Church power — that "chastity may be advocated, but cannot be ordered" (Gratian, C. 32 q. 1 c. 13), that individuals cannot be forced to become monks, that "according to Sacred Scripture even non-believers possess lordship and property of temporal goods" (which fullness of power in the rejected sense would enable the Church to take away at will), and that there are limitations on any obligation the Church can impose of avoiding excommunicated persons. There is no trace of the arguments Marsilius deploys against fullness of power.

The conclusion of this survey of Part 1 of the *Dialogus* is that Ockham surely had Marsilius's views in mind (1) in his discussion of the way in which the Roman Church acquired primacy (1 Dial. 5.14-21) and (2) in his discussion of the judgment and coercion of a heretic pope (1 Dial. 6.2-8, 92).[16] On the other topics — which writings Christians must believe, whether a general council can err, and whether the pope has fullness of power — it is possible that Ockham

15. For Marsilius's distinction of the various senses of fullness of power, see *Defensor pacis* II.xxiii.3. Neither the version of the doctrine that Ockham rejects, nor the one he eventually works out as his own, will fit easily into Marsilius's typology. Neither version postulates a power "que nulla sit determinata lege" (II.xxiii.3, Scholz, p. 443.20-1), since in both versions papal power is constrained by natural law and divine positive law, and in the version Ockham accepts the pope must (regularly) obey human laws as well. What Ockham calls fullness of power Marsilius would call "non plena... que foret determinata per leges (!) humanam aut divinam, sub qua eciam recta racio potest convenienter comprehendi" (p. 443.21-3). In other words, Ockham would agree with Marsilius that the pope does not have fullness of power in any of the senses Marsilius distinguishes. **16**. These are points condemned in *Licet iuxta doctrinam*, 23 Oct. 1327, which Ockham may have known. See H. Denzinger, *Enchiridion Symbolorum* (Rome, 1957), nn. 495-500.

had Marsilius in mind, but by no means certain.[17] And there is no need to suppose that Ockham had seen, or even heard described in detail, the relevant parts of the *Defensor pacis*.

In other works Ockham continues his treatment of the topic of fullness of power, namely in 3.1 Dial. 1, in several "assertive" works, namely *Contra Benedictum*, *An Princeps*, *Breviloquium,* and *De imperatorum et pontificum potestate*, and also in the "recitative" work, *Octo quaestiones*. The main target of criticism in these works is the same version of the doctrine criticized in 1 Dial. 7.67, viz. that the pope can do anything not forbidden by divine or natural law.[18] The objection to it first introduced in CB, that the Christian law is a law of liberty, continues to figure prominently in the later discussions, and a repertory of other objections, and of answers to the arguments supporting this version of the doctrine, rapidly builds up.[19] None of this seems to owe anything to Marsilius.

Ockham also develops a repertory of other opinions on the extent of papal power and refines his own conception of the sense in which the pope can legitimately be said to have fullness of power. The other opinions in some places include that of Marsilius (though he is not referred to by name and not quoted), which Ockham uses to clarify his own by contrast. For example, in **Brev. 2.20** there is a list of five positions on the question what power the pope does have. The first seems to be the opinion of many of the Michaelists, the fourth is that of Marsilius, and the fifth Ockham's own. Another discussion that includes Marsilius's position is in **OQ, 1.7.19-77** (pp. 34-6), where Ockham suggests that a greatly restricted view of papal power (similar to that proposed by Marsilius) is "not free from peril". The full discussion of papal power in **3.1 Dial. 1** includes Marsilius's opinion (chapter 13), and Ockham's own position (chapters 16, 17). In these writings it is clear that Ockham knew of Marsilius's opinion, but there is nothing to suggest knowledge in detail.

---

17. At this stage, according to de Lagarde, "Marsile", p. 180, "Il [Ockham] croit, lui aussi [like Marsilius], nécessaire d'unifier *in radice* le pouvoir juridictionnel, en posant la suprématie de principe de l'autorité civile... Sur tous ces points, il apparaît séduit, sinon ébranlé, par les arguments marsiliens". There is no basis for this conclusion; the Master has reported some of Marsilius's opinions, but (in accordance with the plan of the *Dialogus*) has not given any assessment of their strength. **18**. See CB 4.12, p. 262.11-24, 6.2, p. 273.28-31; AP 1.18-30, p. 229; OQ 1.1.7-17, p. 17, 1.1.6.5-10, p. 29; OQ 3.7.3-5, p. 109; Brev. 2.1.21-26, p. 111; 3.1 Dial. 1.2-9; 3.2 Dial. 1.23; IPP 1.16-18, pp. 282-3. **19**. For a tabulation of the arguments Ockham used in various works against this version of fullness of power, see Knysh, *op. cit.*, pp. 279-286. For the arguments he criticizes that favour this doctrine, see *ibid.*, pp. 271-7.

In ***OQ* 3** Ockham discusses the question whether the pope is the source of the jurisdiction of secular rulers. Among the arguments for an affirmative answer is a papalist mirror-image of Marsilius's position, according to which there can in a well-ordered society be but one ruler, who should be the pope.[20] Both Marsilius and the papalists share the belief that in any well-ordered society there must be absolute unity of sovereignty, an opinion that comes under heavy criticism in OQ 3.3-12. These chapters argue that it is dangerous to concentrate all power in one person, that as long as wrongdoing can be corrected in some way it does not matter if there are people who are exempt from the authority of a supreme ruler or exercise power in their own right and not as a delegation from the supreme ruler. "No community of persons able to have discords among themselves would be best ordered if it *were* subject regularly and in every case to one supreme judge" (OQ 3.3). Although OQ is "recitative", it seems unlikely that Ockham himself did not subscribe to the original and sophisticated theory he expounds here.[21]

The second tract of part 3 of *Dialogus* may have been written after 3.1 Dial., or perhaps simultaneously. Although there are direct quotations from Marsilius in 3.1 Dial., there are none in 3.2 Dial. However, there are places in which Ockham seems clearly to have Marsilius in view. The first of these is **3.2 Dial. 3.17-23**. The thesis discussed in these chapters is that "by reason of his imperial dignity, the emperor has the power to judge any crime, ecclesiastical as much as secular, and to depose the pope himself". For argument we are referred first to 1 Dial. 6.2-5, an earlier discussion in which Ockham clearly had Marsilius's views in mind (see above). Additional arguments are given. The first uses the Marsilian premise: "every kingdom, every city, every college and every community should have one single judge who is plainly supreme, or many who are supreme and hold or manage the same office in place of that one, and all others should be judged by this one or by these."[22] The discussion moves on to discuss a number of versions of the opposite view, i.e. that there need not be one supreme judge of all crimes, ecclesiastical and secular. Five versions are distinguished, of which versions 2-5 suppose that in one way or other there might be several independent judges within the same kingdom or province. Against version 2 a number of objections are brought, of which at least the first, second and seventh are clearly inspired by the views of Marsilius. The conclusion:

---

20. OQ 3.1.54-136, pp. 97-99. The opinion stated at OQ 3.1.54-60, p. 97 resembles the opinion stated at OQ 2.2.13-22, p. 70. It should not be mistaken for Ockham's own. See OQ 2.2.48-68, p. 71. **21**. For confirmation see IPP 12.3-9, p. 304. **22**. Cf. *Defensor pacis*, I.xvii.2.

> We conclude from all of the above that if in a community of believers there are many supreme judges or many simply first [i.e. absolutely supreme] heads, who have the power to coerce the same people for the same crimes and to command the same things of the same people, it manifestly follows that that same community of believers will always be exposed to discords, dissension, seditions, fighting and wars both between the heads themselves, with each trying to put himself ahead of the other, and among the subjects, some of whom will adhere to one and some to the other. And so there will be few people or none that will not hate one and love the other. And consequently they will uphold one and, if they can, attack the other and so it will always be something to be feared that there will not be peace in the community or congregation of believers.

The comparison with Marsilius is obvious. Objections parallel to those against version 2 are brought in succession against versions 3-5.[23] It is conceded that not all of the objections are equally telling against all versions, but the general impression remains that all versions of the opinion that there need not be one supreme judge of all crimes have been refuted. Chapter 22 argues, again, the contrary view, akin to that of Marsilius, that the unity of a community requires one head, and argues again that the one head cannot be the pope but must be a layman; it also argues against the view (elsewhere apparently Ockham's own) that at least on occasion the pope may intervene in secular affairs — if this is ever licit, it must be by virtue of power given by the emperor or the people, not by Christ. Chapter 23 gives two further arguments for the opinion that the emperor is the pope's judge and that the pope is the emperor's inferior with respect to coercive jurisdiction. Part way through the chapter the *Dialogus* breaks off, unfinished.[24]

Thus the last seven chapters of 3.2 Dial. as it has come down to us may leave the impression that Marsilius's position has prevailed — that Ockham himself has been converted to the opinion that a well-ordered society must have a single head, the source of all coercive jurisdiction, a layman not a cleric. This was de Lagarde's interpretation. However it is probable, even certain, that if Ockham had continued the treatise, some other position, rivaling Marsilius's, would have been put forward.[25] The clearest evidence of this is to be found in 3.2 Dial. 3.17, where this topic is first introduced. Chapter 16 has discussed the opinion that the emperor is never the pope's regular judge by virtue of his imperial dignity

---

23. With some supplementary objections, some of which also use premises Marsilius would have endorsed; see, for example, the last argument in Chapter 19. **24**. The witnesses end at different points. See http://www.britac.ac.uk/pubs/dialogus/sigla.html#last **25**. See Knysh, *op. cit.,* p. 255-61.

("quod imperator ratione imperatoriae dignitatis non est iudex ordinarius in quocunque casu summi pontificis"). At the beginning of Chapter 17 the Student asks the Master to turn to the opposite assertion. The Master replies that "there are various ways of putting the opposite assertion". The first way of putting it (the Marsilian opinion) is then introduced and discussed to the end of the treatise as we have it. If there are "various ways", then there was going to be at least one other way of putting the opinion that it is *not* the case that "the emperor is never the pope's regular judge by virtue of his imperial dignity". One possible position, intermediate between the papalist and Marsilian positions, is that on *some* occasions the emperor can judge and depose the pope.[26] This is the opinion recited in OQ 3.12,[27] so we can turn to that text to see how Ockham might have argued this intermediate opinion. His answer to the Marsilian arguments, so troublesome to the various versions considered in 3.2 Dial. 17ff of the opinion that a community need not have just one head, would presumably have been along the lines of OQ 3.

To sum up, it is clear that Ockham was acquainted with Marsilius's ideas and for the most part rejected them. But apart from 3.1 Dial. 3 and 4,[28] there is no clear evidence that he ever read the *Defensor pacis*.

Marsilius's response to Ockham

Marsilius completed *Defensor pacis* on 24 June 1324,[29] four years before Ockham left Avignon and some more years before he began to work on his "political" writings. *Defensor pacis* therefore contains nothing occasioned by Ockham's political writings. In the rest of his life Marsilius did not publish much, but in one of his later writings, the *Defensor minor*, Marsilius seems in some places to be replying to Ockham.[30] As has often been noted, *Defensor*

26. Several other positions opposed to Marsilius's are possible, depending on which component or components of the Marsilian position is or are negated: (1) "by reason of the imperial dignity", (2) "for every" (type of) "crime", (3) "in every case"; it is also possible that an emperor might be able (in some sense) to judge a pope but not depose him. **27**. Also relevant are CB vi, IPP xii.10-25, and the discussion of the fullness of power of the Emperor, 3.2 Dial., 2.26-28. **28**. Discussed in the Introduction, above, p. 107f. One other point of contact between Ockham and Marsilius should be mentioned: both wrote advisory memos to Ludwig concerning the Maultausch dispute. See Offler, OP, vol. 1, pp. 271-2. There is no indication that they had any knowledge of one another's positions or arguments. **29**. Miethke, *De potestate papae*, p. 210. **30**. See de Lagarde, "Marsile", p. 449-52; C. Dolcini, "Marsilio contro Ockham", reprinted in *Crisi di poteri e politologia in crisi* (Bologna, 1988), p. 269-91 (see also "Addendum", pp. 398-411, especially p. 411); and Dolcini, *Introduzione a Marsilio da Padova* (1995), pp. 49-70. The passages Dolcini suggests refer to Ockham are *Defensor minor* 1.1, 2.6, 3.5, 11.3 and 12.5. Dolcini has suggested that Ockham and Marsilius may have collaborated in writing the memorandum *Quoniam scriptura testante divina* (*Crisi di poteri*, pp. 291-427, and *Introduzione*, p. 46). However, it seems possible that *Quoniam scriptura* may have been composed by someone else with knowledge of the opinions of Marsilius and Ockham.

minor consists of at least two segments, Chapters 1-12 (or perhaps 1-11, with c. 12 tacked on to c. 11[31]), and the rest. Chapters 1-11 constitute a coherent unit, the main purpose of which (it seems to me) is not to answer Ockham but to modify what *Marsilius himself* had said in *Defensor pacis*.[32] In *Defensor pacis* II.vi Marsilius had followed the Master of the Sentences (Peter Lombard) in dealing with the priestly power of the keys.[33] But afterwards, perhaps, it seemed to Marsilius that he should have challenged some of the things said by Peter Lombard,[34] namely, the necessity of having a "firm intention" of confession to a priest (which Marsilius had accepted in *Defensor pacis* II.vi.7), the power of the clergy to commute punishment in purgatory to penance in this life (which he had accepted in II.vi.8 and II.vii.1), and the power of the Church to hand an incorrigible sinner over to Satan and to exclude him from the suffrages of the Church (accepted in II.vi.13, Scholz edn. p. 214.18-21). In *Defensor minor* Marsilius rejects these points on which in *Defensor pacis* he had allowed Peter Lombard's views to stand, adds some discussion of indulgences (not discussed in *Defensor pacis*), and on the subject of confession takes the radical new step[35] of arguing that a confessor who perceives that his "penitent" is incorrigible must denounce him publicly. In re-treating these matters Marsilius took the opportunity to reinforce some of the other points he had already made in *Defensor pacis* II.vi, namely that excommunication requires the concurrence of the secular ruler (II.vi.12), and that the power of the keys does not give the pope "fullness of power" (II.vi.1, Scholz p. 198.25).

The passages of *Defensor minor* that probably do refer to Ockham are at 2.6-7 (p. 180-1, on the occasional intervention in temporal matters when the laity fail), 11.3 (p. 248, on the primacy of Peter), and 12. 5 (p. 260, on the infallibility of general councils).[36] Marsilius's rejection of "occasional" temporal intervention by the clergy (which Ockham had approved in 3.1 Dial. 1.16 and in other places) is backed by the familiar scripture texts forbidding the clergy to involve themselves in secular affairs (e.g. 2 Tim. 2:4, "No one on active service for God

31. "Quoniam de concilio generali sermo factus est nobis" (*Defensor minor* 12.1, p. 254) seems to link c. 12 to c. 11. The answer to Ockham in c. 11 introduced the topic of the general council, and in c. 12 Marsilius answers Ockham on that subject. **32**. Chapters 1-4 are introductory, recapitulating ideas familiar from *Defensor pacis*, preliminary to the rejection of a number of conclusions that some draw from the power of the keys, chapters 5-11. **33**. See II.vi.5. **34**. There is a reference to Peter Lombard in the first line of the book, and again at the end of chapter 4, which refers also to *Defensor pacis* II.vi. **35**. Preceded by an awkwardly placed "protestatio" (*Defensor minor* 5.13, p. 202.6-8). Marsilius was conscious that it was a radical step to reject the "seal of the confessional". **36**. Other places at which it has been suggested that Marsilius has Ockham in view are 1.1 (p. 172, on jurisdiction) and 3.5 (p. 186, on poverty). The first could refer to anyone, since it was commonplace to attribute jurisdiction in some sense to the clergy, and the second could refer to others of the many Franciscans who wrote on poverty.

involves himself in secular affairs"). Ockham had also quoted these texts (in 3.1 Dial. 1.9 and often elsewhere) and could gloss any of them with the qualification, "regularly — but on occasion the clergy may involve themselves in secular affairs". Marsilius also objects that the correction of the ruler belongs "solely" to the human legislator, i.e. to the whole community, or, if to some part of it, to tanners and other mechanics sooner than to priests, who are by Scripture forbidden to intervene in secular affairs.[37] Ockham would agree that intervention by *any* layperson is preferable, but if all the laity fail and the Christian community is endangered the clergy should act. Marsilius's reply does not really address the complexity of Ockham's position.

Marsilius's comments on the primacy of Peter seem like a reply to Ockham's argument in 3.1 Dial. 4.22. Marsilius remarks that besides texts of Scripture, discussed elsewhere, certain persons advance the argument that the universal Church cannot err, and since the Church has always held the doctrine of the primacy of Peter that doctrine must be true. Marsilius answers that some doctrines generally accepted among Christians need not be believed of necessity for salvation and may not be true. It is necessary to believe only those proved from Scripture or approved by a general council as an interpretation of Scripture, but other beliefs commonly held among Christians, even if they have been held by fathers of the Church, need not be believed. Like Ockham Marsilius believed that God will not allow the universal Church to err, but in his view the Church has not erred, even if many Christians have believed something that is not true, as long as a general council has not erred.

On the inerrancy of councils, Marsilius suggests that his opponent is guilty of a fallacy, in arguing that since every individual member of a general council can err, therefore the council can err.[38] This argument is not to be found in Ockham's treatments of the claim that a general council cannot err (1 Dial. 5, 3.1 Dial. 3.5), and in 1 Dial. 5.5 the Master characterises the argument, "Any

---

37. "... viris prudentibus aut scribis, quinimmo potius [than to priests] fabris aut pellificibus vel mechanicis reliquis", *Defensor minor* 2.7, p. 182. This does not mean that tanners are the best people to do it, better than prudent and learned men, but that *even* tanners and other mechanics would be more suitable than priests. **38**. "Nec obstat paralogismus quoad compositionem et divisionem, quo quidam inferunt inducendo: hic et ille potest errare in dubiis circa fidem, et sic de singulis, ergo et omnes. Deficit enim hec illatio secundum formam, ut diximus, quoniam licet in sensu diviso sit certa in singulis, tamen [in sensu] composite pronunciata sit falsa"; *Defensor minor* 12.5, p. 260, amended in accordance with the suggestion of J. Miethke, "Die kleinen politischen Schriften des Marsilius von Padua in neuer Präsentation", in *Mittellateinisches Jahrbuch* 17 (1982), p. 203, but reading "compositionem et divisionem" rather than "compositiones et divisiones", following R. Lambertini, "Ockham and Marsilius on an ecclesiological fallacy", *Franciscan Studies* 46 (1986), p. 304.

Christian can err against faith, therefore the whole community of Christians can err against faith" as a fallacy (*figurae dictionis*).[39] It might seem unlikely that Marsilius could honestly believe that Ockham's position rests on an argument Ockham does not use and elsewhere rejects as a fallacy. However, the Master relates the same argument at 1 Dial. 5.35, this time without directly characterising it as a fallacy (though at the beginning of the chapter there is a general warning that the arguments following may be fallacious). It may be that this chapter, on a hasty reading, led Marsilius to think that this fallacious argument lay behind Ockham's rejection of the claim that a general council cannot err; or perhaps he had not read *Dialogus* at all and was guessing at what the argument might be. At all events, it is in fact not Ockham's argument and Marsilius's answer is not to the point. Marsilius goes on to say that if fallible individuals meet and discuss, their conclusion is more likely to be right. This of course does not show that their conclusion cannot be wrong. Inerrancy, the impossibility (not mere unlikelihood) of error, supposes a guarantee of miraculous divine intervention. Marsilius and Ockham both believe that God has promised that the Church will not err and that he will, to "save" this promise, under some circumstances guide individually fallible Christians to the truth, intervening miraculously if necessary. But they differ about the point at which miraculous intervention becomes necessary to "save" the promise. According to Marsilius, God will intervene to prevent a council, which represents the Church, from erring, whereas according to Ockham the promise does not guarantee that God will intervene to prevent error on the part of a representative person or body or that he will intervene at all until the last individual Christian is on the point of succumbing.

---

39. See Dolcini, "Marsilio contro Ockham", pp. 287-8, Lambertini, *art. cit.*, p. 306.